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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER SIDDIQI, MOHAMMAD A	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/875,775

Applicant(s)

SANGHVI ET AL.

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 39, 42-44 and 46-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 39, 42-44, and 46-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-12, 39, 42-44, and 46-48 are presented for examination.

Claims 13-38, 40-41, and 45 have been cancelled. Claims 46-48 are new.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/30/2007 has been entered.

#### ***Specification***

3. The disclosure is objected to because of the following informalities:

There is no element 300 event consumer in fig 4 as it is described on page 11.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor; subject to the conditions and requirements of this title.

5. Claims 1, 39, and 46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed to Functional Descriptive Material: "Data Structures" Representing Descriptive Material Per Se or Computer Programs Representing Computer Listings Per Se. Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer

program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions. Claimed subject matter "at least one event filter class that represents event filtering parameters; and at least one binding class that represents an association of at least one event consumer and at least one event filter" directed to Functional Descriptive Material: "Data Structures" Representing Descriptive Material Per Se.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 39, and 46 recites the limitation "the event log" in representative claim 1, line 11. There is insufficient antecedent basis for this limitation in the claim.

8. Claims 1, 39, and 46 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such

omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: Claimed subject matter "at least one event filter class that represents event filtering parameters; and at least one binding class that represents an association of at least one event consumer and at least one event filter" directed to Functional Descriptive Material: "Data Structures" Representing Descriptive Material Per Se. Please see fig 3 and 4 of the specification.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

10. Claims 1, 2, 4-12, 39, 43, 44, and 46-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Groath et al. (6,571,285) (hereinafter Groath).

11. As per claim 1, Groath discloses an event management system (col 12, lines 33-40) comprising:

- a processor;

- memory coupled to the processor;

- a set of event consumers (col 10, lines 2-6), each event consumer being configured to perform an action (notification, col 10, lines 34-39) in response to an occurrence of an event (300, 302, fig 3, col 10, lines 15-19), the set of event consumers including (300, 302, fig 3, col 10, lines 34-39):

- an email consumer configured to handle email messages (300, 302, fig 3, and 3, col 10, lines 53-63);

- a paging consumer configured to generate a page message messages (300, 302, fig 3, col 10, lines 53-63);

- an active scripting consumer configured to execute at least one script messages (300, 302, fig 3, col 10, lines 53-63);

- a log file consumer configured to record information in a log file messages (300, 302, fig 3, col 11, lines 35-40);

an event log consumer configured (col 10, lines 35-39) to log messages to an event log(300, 302, fig 3, col 10, lines 41-63), wherein the event log provides at least one of selecting , filtering, correlating, forwarding, storing, or delivering event data in an enterprise (Event Correlator, col 10, lines 35-63; col 12, lines 33-37); and

a command line (notification action is done via scripts and scripts includes command line arguments, col 10, lines 47-52) consumer configured to launch at least one process (i.e. col 49, lines 20-25, col 53, lines 53-57);

wherein individual event consumers are configured to accept and to use event data from an event source without requiring knowledge about a source of the event (collector is user to collect event data and routes to event consumers via notifier, col 10, lines 25-46);

wherein individual event consumers are configured to perform the action without requiring knowledge about source of the event (collector is user to collect event data and routes to event consumers via notifier, col 10, lines 25-46);

at least one event filter class that represents event filtering parameters (fig 9, col 12, lines 14-37); and

at least one binding class that represents an association of at least one event consumer and at least one event filter (fig 9, col 2, lines 7-22; col 12, lines 14-37).



12. As per claim 2, Groath discloses the email consumer is an SMTP consumer (col 140, lines 40-45).

13. As per claim 4, Groath discloses a forwarding consumer to forward events (col 10, lines 34-43).

14. As per claim 5, Groath discloses the email consumer sends an email message in response to receiving an event (col 10, lines 53-63).

15. As per claim 6, Groath discloses the paging consumer will page a telephone number with a message in response to receiving an event (col 10, lines 47-63).

16. As per claim 7, Groath discloses the active scripting consumer executes a predefined script when an event is received by the active scripting consumer (col 10, lines 34-63).

17. As per claim 8, Groath discloses the log file consumer records information to a log file when an event is received by the log file consumer (col 10, lines 26-33).

18. As per claim 9, Groath discloses the event log consumer logs a message to an event log when an event is received by the event log consumer (col 10, lines 26-33).

19. As per claim 10, Groath discloses the command line consumer launches a process in response to receiving an event (col 49, lines 19-25).

20. As per claim 11, Groath discloses events in the event management system are represented as objects (col 119, lines 23-45).

21. As per claim 12, Groath discloses each consumer in the event management system is represented as a class (col 78, lines 5-10).

22. As per claim 39, Groath discloses computer system comprising:  
at least one event provider configured to generate events (col 2, lines 6-24);

an event consumer selected from a set of event consumers (300, 302, fig 3, lines 6-24) the event consumer being configured to perform an action in response to an occurrence of an event generated by the event provider (300, 302, fig 3, col 2, lines 6-24), the set of event consumers including:

an email consumer configured to send at least one email message  
(300, 302, fig 3, col 10, lines 53-63);

a paging consumer configured to send at least one page message  
(300, 302, fig 3, col 10, lines 53-63);

an active scripting (300, 302, fig 3, col 9, lines 48-67) consumer  
configured to execute at least one script (300, 302, fig 3, col 18, lines 65-  
67);

a log file consumer configured to record information in a log file  
(300, 302, fig 3, col 10, lines 53-63 and col 11, lines 20-40);

an event log consumer configured to log at least one message to an  
event log (300, 302, fig 3, col 10, lines 53-63 and col 11, lines 20-40);

wherein the event log provides at least one of selecting, filtering,  
correlating, forwarding, storing, or delivering event data in an enterprise  
(Event Correlator, col 10, lines 35-63; col 12, lines 33-37);

wherein individual event consumers are configured to accept and to  
use event data from an event source without requiring knowledge about a  
source of the event (collector is user to collect event data and routes to  
event consumers via notifier, col 10, lines 25-46); and

a command line (notification action is done via scripts and  
scripts includes command line arguments, col 10, lines 47-52) consumer

configured to launch at least one process (i.e. col 49, lines 20-25, col 53, lines 53-57);

an instance of an individual event consumers being operable to perform a first action responsive to a first event generated at a first individual event provider (trouble ticket, col 10, lines 36-56) and to perform a second action responsive to a second event generated at a second different individual event provider (alphanumeric page, col 10, lines 36-56); at least one event filter class that represents event filtering parameters (fig 9, col 2, lines 7-22; col 12, lines 14-37); and at least one binding class that represents an association of at least one event consumer and at least one event filter (fig 9, col 2, lines 7-22; col 12, lines 14-37).

23. As per claim 43, Groath discloses the event consumer includes an instance of a class (col 4, lines 12-22) associated with an application program (col 116, lines 56-67).

24. As per claim 44, Groath discloses the event filter (col 12, lines 33-67) includes an instance (col 116, lines 56-67) of a class associated with an application program (col 4, lines 12-22).

25. As per claim 46, Groath discloses a system comprising:

a plurality of sources configured to generate events in a computing environment (col 10, lines 2-8; col 31, lines 15-23); and,

a set of automatically generated standard event consumers operable to perform actions responsive to events (302, fig 3, col 10, lines 25-46) that occur in the computing environment without requiring knowledge about the sources of the events (collector is user to collect event data and routes to event consumers via notifier, col 10, lines 25-46), wherein an instance of an individual event consumer can perform actions responsive to events occurring at more than one of the event providers (alphanumeric page, col 10, lines 25-56);

wherein individual event consumers are configured to accept and to use event data from an event source without requiring knowledge about a source of the event (collector is user to collect event data and routes to event consumers via notifier, col 10, lines 25-46);

an event log provides at least one of selecting, filtering, correlating, forwarding, storing, or delivering event data in an enterprise (Event Correlator, col 10, lines 35-63; col 12, lines 33-37);;

at least one event filter class that represents event filtering parameters (fig 9, col 2, lines 7-22; col 12, lines 14-37); and

at least one binding class that represents an association of at least one event consumer and at least one event filter (fig 9, col 2, lines 7-22; col 12, lines 14-37).

26. As per claim 47, Groath discloses wherein the set of automatically generated standard event consumers is categorized by actions to be performed by individual event consumers and wherein an individual event consumer can be bound to multiple events to which the action is to be performed (figs. 3 and 5, col 10, lines 25-46) .

27. As per claim 48, Groath discloses wherein the set of automatically generated standard event consumers is generated by a centralized mechanism of the system and not by the plurality of sources (collector, col 10, lines 25-46).

### ***Claim Rejections - 35 USC § 103***

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Groath et al. (6,571,285) (hereinafter Groath) in view of Murray (Windows NT Event Logging by James D. Murray published on September 1998) (hereinafter "NT event logging services").

30. As per claim 3, while Groath discloses an event manager that is installed on NT operating system (col 83, 48-56), Groath is silent about the event log consumer is an NT event log consumer. However, an NT event log consumer is well known in the art and it is a design preference to use NT event logging or program a customized event consumer. Murray, for example, discloses the event log consumer is an NT event log consumer (Chapter 2, Microsoft API's are available to interface with NT event log service). It would have been obvious to one of ordinary skill in the art at the time invention to combine the teaching of Groath and "NT event logging services" because "NT event logging services" use of windows NT event logging services API 's would provide Groath system a platform dependent event logging.

31. Claim 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Groath et al. (6,571,285) (hereinafter Groath) in view of Network PC System Design Guidelines (version 1.0 b August 5, 1997) (hereinafter "Network PC Article").

32. As per claim 42, Groath discloses wherein the event providers includes, Simple Network Management Protocol (SNMP) provider (col 12, line 60), Event manager installed on NT (col 83, 48-56), event log provider (col 11, lines 35-39). Groath is silent about at least one of Win32 provider, Windows Driver Model (WDM) provider, registry provider, performance counter provider, active directory provider, Windows installer provider. However, Win32 provider, Windows Driver Model (WDM) provider, registry provider, performance counter provider, active directory provider, and Windows installer provider are all well known in the art. For example, Network PC Article discloses at least one of Win32 provider (page 6), Windows Driver Model (WDM) provider (page 6), registry provider (page 18), performance counter provider (page 111), active directory provider (page 111), Windows installer provider (page 130). It would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teaching of Groath and "Network PC Article" because "Network PC Article"'s use of Windows NT component such as Win32 provider,



Windows Driver Model (WDM) provider, registry provider, performance counter provider, active directory provider, and Windows installer provider would provide Groath's system reusability of the Windows NT component via well tested API's.

### ***Response to Arguments***

33. Applicant's arguments with respect to claims 1, 39, and 46 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS

NATHAN FLYNN  
SUPERVISORY PATENT EXAMINER

